

**NOTE:**

The allegations and decision in this case fall under old rules. It has been classified under the most relevant of the current code sections and subsections.

**IOWA BOARD OF EDUCATIONAL EXAMINERS**

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LOESS HILLS AREA EDUCATION AGENCY 13	)	Case Nos. 04-25
BOARD OF DIRECTORS,	)	DIA No. 05BEE001
	)	
Complainant,	)	License No. 311596
	)	
KORRIE A. CONNERS,	)	
	)	FINAL ORDER
Respondent.	)	

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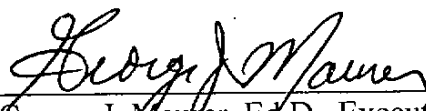
This matter came before the Board of Educational Examiners upon Complaint filed October 14, 2004. Hearing was held before Administrative Law Judge Margaret LaMarche on May 2, 2005. On May 24, 2005, Judge LaMarche issued a proposed decision. The proposed decision was served upon the Respondent, the Complainant, and the Board.

The Board considered the proposed decision at its regular meeting on June 21, 2005. After examining the proposed decision, the Board unanimously approved a motion not to initiate review of the proposed decision. No appeal was received by the Board within the time allowed by rule.

**ORDER**

**THEREFORE**, pursuant to Iowa Code section 17A.15(3) (2005) and 282 IAC 11.27(2), the Proposed Decision recommending the issuance of a public Letter of Reprimand stands as the Board's final ruling in this matter. **The Respondent is hereby reprimanded based upon the findings and conclusions of the May 2, 2005, Proposed Decision.**

Dated this 2 day of August, 2005.

  
George J. Maurer, Ed.D., Executive Director  
On behalf of the Board

**IOWA BOARD OF EDUCATIONAL EXAMINERS**

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<b>LOESS HILLS AREA EDUCATION AGENCY 13</b>	)	<b>Case Nos. 04-25</b>
<b>BOARD OF DIRECTORS,</b>	)	<b>DIA No. 05BEE001</b>
	)	
Complainant,	)	<b>License No. 311596</b>
	)	
<b>KORRIE A. CONNERS,</b>	)	<b>Order Regarding</b>
	)	<b>Proposed Decision</b>
Respondent.	)	

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This matter came before the Board of Educational Examiners upon Complaint. An investigation was conducted and the Board found probable cause to move the case forward to hearing. The hearing was held before Administrative Law Judge Margaret LaMarche on May 10, 2005. On May 24, 2005, Judge LaMarche issued a proposed decision. The proposed decision was served upon the Respondent, the Complainant, and the Board.

The Board considered the proposed decision at its regular meeting on June 21, 2005. After examining the proposed decision, the Board unanimously approved a motion not to initiate review of the proposed decision.

**ORDER**

**THEREFORE**, the proposed decision in this matter will stand as the Board's final ruling in this matter unless a timely appeal from the proposed decision is initiated by one of the parties, pursuant to Board rule 282 I.A.C. 11.28(1).

Dated this 21 day of June, 2005.

  
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George J. Maurer, Ed.D., Executive Director  
On behalf of the Board

IOWA BOARD OF EDUCATIONAL EXAMINERS

MAY 25 2005

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LOESS HILLS AREA EDUCATION AGENCY 13)	)	DIA NO. 05BEE001
BOARD OF DIRECTORS,	)	CASE NO. 04-25
	)	
Complainant,	)	License No. 311596
	)	
vs.	)	
	)	
KORRIE A. CONNERS,	)	PROPOSED DECISION
	)	
Respondent,	)	

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On October 14, 2004, Glenn Grove, Chief Administrator for Loess Hills AEA 13 (Complainant), filed a Complaint against Korrie A. Connors (Respondent) with the Iowa Board of Educational Examiners (Board). The Complaint alleged that the Respondent abandoned her written professional employment contract without a prior unconditional release from the Complainant, in violation of 282 IAC 25.3(5). On March 4, 2005, the Board found probable cause to order a hearing to determine whether the Respondent had violated 282 IAC 25.3(5)(a)(3). A Hearing Notice was issued on March 15, 2005 and was personally served on the Respondent on May 2, 2005, after the notice sent by certified mail was returned to the Board, marked "unclaimed." The 180-day deadline for a final decision was extended on March 31, 2005. The Respondent filed an Answer on May 9, 2005.

The hearing was held before the undersigned administrative law judge on May 10, 2005 in room 418, Lucas State Office Building, Des Moines, Iowa. The Complainant appeared for the hearing through its designated representative, Kelli Berke, Supervisor of Reading for AEA 13. The Respondent appeared and was self-represented. The hearing was recorded.

**THE RECORD**

The record includes the Complaint filed 10/14/04; the Hearing Notice, issued 3/15/05; Proof of Service; Order Extending 180-day time limit; Answer; the testimony of the witnesses; and the following exhibits:

- |            |   |
|------------|---|
| Exhibit 1: | Continuing Contract, signed 6/9/04          |
| Exhibit 2: | Letter of Resignation, dated 9/8/04         |
| Exhibit 3: | Letter dated 2/12/03 (AEA 13 to Respondent) |

### FINDINGS OF FACT

1. The Respondent currently holds Iowa teaching license no. 311596. The Complainant initially hired the Respondent on August 19, 2002 as an Early Childhood Specialist. Upon completion of her master's degree, the Respondent accepted the position of Instructional Services Consultant. (Testimony of Kelli Berke; Respondent; Exhibit 3)

2. On June 9, 2004, the Respondent signed an Agreement To Modify Professional's Continuing Contract. Under the terms of the contract, the Respondent was required to provide services as a Consultant for 190 days during the 2004-2005 school year. (Testimony of Kelli Berke; Respondent; Exhibit 1)

3. During the 2003-2004 school year, the Respondent worked part-time for a textbook publisher to supplement her income. In July 2004, the textbook publisher offered the Respondent a full-time position, but she declined because the position did not offer a higher salary than she was currently earning and because she had just signed a new employment contract. One month later, the publisher offered the Respondent a different position with a higher salary, better benefits, and a more flexible schedule allowing her to spend more time with her family.

On September 8, 2004, the Respondent set up a meeting with the AEA 13's Chief Administrator and told him that while she had never before broken a contract in her fifteen years as an educator, as a single mother she needed to do what was best for her family. The Chief Administrator told the Respondent that the AEA might file a complaint if she abandoned her contract. Although her new employer wanted her to start immediately, the Respondent offered to stay in her Consultant position until the AEA could find a replacement. The Chief Administrator told the Respondent that if she left, they would not be replacing her, so her last day would be Friday, September 10, 2004. (Testimony of Respondent; Answer) The Complainant did not attempt to refute this testimony.

4. On September 8, 2004, the Respondent submitted a written resignation of her contract, indicating that her last contract day would be Friday, September 10, 2004. The Respondent cited a "new career opportunity which will be financially beneficial for myself and my family" as the reason for her resignation. (Testimony of Kelli Berke; Respondent; Exhibit 2)

5. The Complainant did not attempt to replace the Respondent for the 2004-2005 school year, and her duties were reassigned to other staff members. The Complainant has just recently hired the Respondent's replacement, who will start on July 1, 2005. (Testimony of Kelli Berke)

#### CONCLUSIONS OF LAW

The legislature created the Board of Educational Examiners and delegated to it exclusive licensing authority, including the authority to develop a code of professional rights and responsibilities, practices, and ethics, which shall, among other things, address the failure of a practitioner to fulfill contractual obligations under section 279.13... Iowa Code section 272.2(1)(a) (2005).

In a case alleging the failure of a practitioner to fulfill contractual obligations, the person who files a complaint with the Board, or the complainant's designee, shall represent the complainant in a disciplinary hearing conducted in accordance with this chapter. Iowa Code section 272.2(4) (2005).

Pursuant to its statutory authority, the Board has promulgated the Code of Professional Conduct and Ethics and 282 IAC chapter 25. 282 IAC 25.3(5)"a"(3) provides, in relevant part:

**25.3(5) Standard V- violations of contractual obligations**

a. Violation of this standard includes:

...

(3) Abandoning a written professional employment contract without prior unconditional release by the employer.

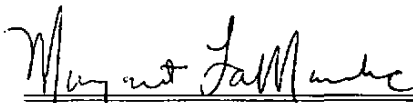
The preponderance of the evidence established that the Respondent abandoned her written professional employment contract without receiving a prior unconditional release, in violation of 282 IAC 25.3(5)"a"(3). Although her written resignation only provided for two days' notice, the Respondent made an oral offer to fulfill her contract obligations while the Complainant sought her replacement. Although this offer was declined by the Complainant, it is a significant mitigating factor that should be considered in determining an appropriate sanction.

**ORDER**

**IT IS THEREFORE ORDERED** that for abandoning a professional written employment contract prior to receiving an unconditional release from her employer, in violation of 282 IAC 25.3(5)"a"(3), Respondent Korrie A. Conners (License no. 311596) shall be issued a public letter of reprimand. 282 IAC 11.33(6).

282 IAC 11.28 provides that a proposed decision may be appealed to the Iowa Board of Educational Examiners (Board) by a party who is adversely affected by the decision. An appeal is commenced by serving a notice of appeal on the Board within 60 days after the issuance of the proposed decision. The notice of appeal must be signed by the appealing party or a representative of that party, and must contain a certificate of service. The notice shall specify the parties initiating the appeal, the proposed decision or order appealed from, the specific findings or conclusions to which exception is taken and any other exceptions to the decision and order, the relief sought, and the grounds for relief.

Dated this 24<sup>th</sup> day of May, 2005.



Margaret LaMarche  
Administrative Law Judge  
Division of Administrative Hearings  
Iowa Department of Inspections and Appeals  
Lucas State Office Building-Third Floor  
Des Moines, Iowa 50319

cc: Korrie A. Conners  
12303 Bel Drive  
Omaha, NE 68144-2756 (CERTIFIED)

Glenn Grove, Chief Adm.  
Loess Hills AEA 13- Board of Directors  
P.O. Box 1109  
Council Bluffs, IA 51502-1109 (CERTIFIED)

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